

LEWIS BRISBOIS BISGAARD & SMITH LLP

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*Attorneys for Defendant Gateway Security sued
herein as Gateway Group One*

ARIELLE FLETCHER,

Plaintiff,

v.

GATEWAY GROUP ONE,
BENJAMIN OKOLI,
STATE OF NEW JERSEY,
COUNTY OF ESSEX,
CITY OF NEWARK,
CITY OF ELIZABETH,
EMERSON RUSSELL,
MAINTENANCE COMPANY AVIATION,

Defendants.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Case No. 20-cv-03413 (KSH)(CLW)

NOTICE OF MOTION

TO: Joseph Rakofsky, Esq.
Injury & Accident Law Rakofsky, LLC
P.O. Box 32250
Newark, New Jersey 07102
Attorneys for Plaintiff

PLEASE TAKE NOTICE that, upon the annexed certifications of Peter T. Shapiro, Esq., and Kathryn George, and the accompanying Memorandum of Law, the undersigned will move this Court, at the Martin Luther King Building and United States Courthouse, 50 Walnut Street, Newark, New Jersey 07101, before the Honorable Katharine S. Hayden, on November 16, 2020, at 9:00 a.m., for an Order: (a) pursuant to Rule 12(b)(6), Fed.R.Civ.P., dismissing this action against movant based on the plaintiff's failure to exhaust administrative remedies; (b) alternatively pursuant to Rules 4(m) and 12(b)(2), dismissing this action based on improper service of process and failure

to timely serve Gateway within 90 days after this action was filed; and (c) granting movant costs, fees and such other and further relief as is just and proper.

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Peter T. Shapiro

Peter T. Shapiro, Esq.

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*Attorneys for Defendant Gateway Security Inc. sued herein
as Gateway Group One*

Dated: October 13, 2020